



## Brazil

### Country Reports on Human Rights Practices - [2002](#)

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Brazil is a constitutional federal republic composed of 26 states and the Federal District. The federal legislative branch exercises authority independent of the executive branch. In October voters elected President Luiz Inacio Lula da Silva of the Workers Party (PT) to a 4-year term. The elections marked the fourth time since the end of military rule in 1985 that citizens freely chose their president and elected the legislative bodies in accordance with the 1988 Constitution. All parties were able to compete on the basis of fair and equal procedures. The Constitution provides for an independent judiciary; however, it was often inefficient and, especially at the state level, subject to political and economic influences.

The military was responsible for national defense and remained subject to effective civilian control, both in law and in practice. The federal police force was very small and primarily investigative. It played little role in routine law enforcement. Police forces fell primarily under the control of the states and were divided into two groups: The "civil police" were plain-clothes officers and had an investigative role, and the "military police" were uniformed police and were responsible for maintaining public order. Although the individual state governments controlled the military police, the Constitution provides that they can be called into active military service in the event of an emergency, and they maintained some military characteristics and privileges, including a separate judicial system. The state police forces committed numerous serious human rights abuses.

The country had a market-based and diversified economy and a population of approximately 175 million. The Government, which traditionally played a dominant role in shaping economic development, encouraged greater private sector participation in the economy through privatization of state enterprises, deregulation, and removal of some impediments to competition, trade, and investment. Industrial production, including mining operations and a large and diversified capital goods sector, accounted for 34 percent of gross domestic product (GDP), agriculture contributed 8 percent, and services accounted for 58 percent. Exports consisted of both manufactured and primary goods. Per capita GDP was approximately \$2,900 in 2001, and the economy grew by 1.5 percent. Income distribution remained highly skewed. The real average wage fell 10 percent from 1997 to 2001.

The Federal Government generally respected the human rights of its citizens; however, there continued to be numerous serious abuses, and the record of some state governments was poor. State police forces (both civil and military) committed many extrajudicial killings, tortured and beat suspects under interrogation, and arbitrarily arrested and detained persons. Police also were implicated in a variety of criminal activities, including killings for hire, death squad executions, extortion, kidnappings for ransom, and narcotics trafficking. Despite new powers to intervene in certain types of human rights cases granted in January, the federal police failed to act in the numerous human rights violations by state authorities. The Government established a national torture hot line for victims of torture, but it did not result in more convictions or a diminution of the problem.

Government authorities often failed to prevent violence inside prisons. The state governments did not punish most perpetrators of these abuses effectively. The separate system of military police tribunals remained overloaded, rarely investigated cases thoroughly, seldom convicted abusers, and contributed to a climate of impunity for police officers involved in extrajudicial killings or abuse of prisoners. Prison conditions ranged from poor to extremely harsh. Prison officials often tortured and beat inmates. The judiciary had a large case backlog and often was unable to ensure the right to a fair and speedy trial. Justice remained slow and often unreliable, especially in regions where powerful economic interests influenced the local judiciary. Victims, particularly those who were suspected criminals, had difficulty in being heard by oversight bodies. Investigations of human rights abuses by police officials were often limited to internal police reviews and were not referred to the Office of the Public Prosecutor or other independent bodies for review.

Police used excessive force to disperse demonstrators on several occasions, causing serious injuries. Human rights monitors on occasion faced threats and harassment. Violence and discrimination against women, and child prostitution and abuse, remained chronic problems. Government authorities often failed adequately to protect indigenous people from outsiders who encroached on their lands or to provide them with adequate health care and other basic services in many areas. Discrimination against Afro-Brazilians and violence against homosexuals were serious problems. Rural violence, including the killings of land reform and rural labor activists, persisted. Forced labor for adults and children continued. Trafficking in persons, particularly women and children for the purpose of prostitution, persisted. Brazil was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

A new National Human Rights Program focused on social, as well as cultural and economic, rights. Congress ratified into law a presidential decree giving the federal police authority to intervene at the state level in certain human rights cases and in kidnappings that were politically motivated, but the federal police did not use this authority.

## RESPECT FOR HUMAN RIGHTS

### Section 1. Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary and Unlawful Deprivation of Life

Extrajudicial killings committed by state police (military and civil) remained a serious problem throughout the country. Uniformed police summarily executed suspected criminals and then filed false reports that the deceased were resisting arrest. There were numerous killings by police. Statistics released by the Sao Paulo State Secretary for Security indicated that 610 people were killed during the year by Sao Paulo police (civil and military); statistics released by the Sao Paulo police ombudsman indicated that 825 people were killed by Sao Paulo police during the year. The ombudsman's figures included killings by off-duty police. In April 2001, the U.N. Special Rapporteur on Torture noted that torture by jail and prison officials often resulted in death (see Section 1.c.). Harsh prison conditions and prison riots continued to lead to the death of inmates (see Section 1.c.). Police also killed street children, indigenous persons, and labor activists (see Sections 5 and 6.a.). Death squads and other criminal groups, many of which included police as members, committed other killings. Numerous credible reports indicated the involvement of state police officials in crime, including revenge killings and the intimidation and killing of witnesses involved in testifying against police officials (see Section 1.e.). The authorities' failure to investigate, prosecute, and punish police who committed such acts perpetuated a climate of impunity that encouraged human rights abuses. Many persons continued to be killed in disputes over land ownership and usage.

An April 2001 report by human rights organizations stated that law enforcement authorities summarily executed approximately 2,000 persons each year.

According to the police ombudswoman in Rio de Janeiro, in the first 9 months of the year, citizens registered complaints for 23 police homicides in the state, believed to be only a small fraction of the actual total of police homicides. A human rights nongovernmental organization (NGO) estimated that the number of police homicides during the first 9 months of the year exceeded the number officially reported for the same period of 2000 (312). The Rio de Janeiro State government halted release of data on police homicides after September 2000. Research conducted by the Institute for Religious Studies (ISER) in the mid-1990s suggested that during that period the level of police homicides was double the official number reported. The ISER report cited 40 cases in Rio de Janeiro that clearly demonstrated execution-style deaths, in which police first immobilized the victims and then shot them at point-blank range. In 64 percent of the cases examined by ISER, the victims were shot in the back.

In the first 4 months of the year, the Sao Paulo ombudsman received 128 complaints of police homicide, 62 complaints of disciplinary infractions, and 44 complaints of poor service. According to the Ombudsman, in the first 6 months of the year, 73 cases of police abuse were presented to the Public Prosecutor, and action was taken on only 12 of the cases. The Sao Paulo State Secretary for Security reported that Sao Paulo police on average killed 59 civilians monthly, a rate 33 percent higher than in 2001, and the highest figure since statistics on police killings began to be kept in 1995; statistics released by the Sao Paulo police ombudsman indicated that the monthly average was 69. State Secretary of Security figures indicated that during the year 59 Sao Paulo policemen were killed and 537 injured in the line of duty. According to a domestic NGO, international human rights observers, and diplomats, killing by police was a national problem, not limited to the largest cities or states.

According to press reports, in February in Campo Grande, military police officer Guaracy Arede shot and killed Alessandra Luisa de Carvalho Marques who was riding with a friend in a passenger van. Arede, described as drunk, entered the vehicle and molested Carvalho Marques who then sought to exit the van. In front of numerous

witnesses, Arede shot Carvalho Marques once in the head and once in the neck as she fled from the vehicle. Police arrested Arede, and the trial was pending at year's end.

In February in Campos, Sao Paulo, highway patrolman Jose Vargas de Oliveira was accused of shooting to death a truck driver who wouldn't pay a "tip." Oliveira was later arrested when he surrendered to the Federal Highway Police; there was no further information regarding action in the case.

In February Rio de Janeiro taxi driver Sergio Luiz Couto was shot several times and killed the day before he was to give a deposition denouncing military police officials. Seven months prior to his death, Couto had been kidnaped by a team of public security officers who demanded a ransom of approximately \$57,140 (200,000 reais). For his involvement in the kidnaping, police Major Dilo Pereira Soares Junior was imprisoned for 31 days. Couto's wife stated that her husband had received multiple threats from an officer with the military police prior to his murder. There was no indication of new developments in the case at year's end.

On March 5, Sao Paulo police killed 12 members of the criminal faction and prison gang First Command of the Capital (known as the PCC) in a highway shootout. The police reportedly suspected that the group planned a prison break or robbery. Over 100 military police mounted a roadblock near the town of Sorocaba. The 17 suspects, traveling in 6 different vehicles including a bus, opened fire and attempted to flee. Five suspects escaped but were later captured. The Sao Paulo police ombudsman's advisor stated that marks on the bodies indicated that excessive force had also been employed.

Sao Paulo State Secretary of Public Security Saulo de Castro Abreu Filho expressed regret over the deaths but stated that this "war operation" was "well carried out." However, Sao Paulo Vice Mayor Helio Bicudo--relying on the findings of an independent medical examiner--contended that the operation was "an execution." Bicudo testified about the case before the Organization of American States' Inter-American Commission on Human Rights (IACHR) in October. In its response, the Government indicated that the facts of the case were still under investigation. The IACHR accepted the case for inquiry. The civil and military police each opened investigations into the case; by year's end, no determination had been made on whether to charge any police officials in connection with the incident.

In April in Baixada Santista, Sao Paulo, military police killed five boys and a bar owner while searching for a youth who stole a sergeant's weapon. Witnesses asserted that the police entered a bar looking for the "thief," then stole wallets and forced the patrons to lie on the floor. The bar owner refused and was shot twice and killed along with five youths who were also present.

In May police antikidnaping investigators killed 56-year-old Jorge Jose Martins in his home in Campinas, Sao Paulo. Police claimed that Martins fired first, but Martins' family asserted that he was executed. The Sao Paulo police ombudsman endorsed the family's version and demanded an investigation. At year's end, a police officer had been charged but was free while the trial was pending. In the interim, the officer continued his duties and received a promotion.

Lack of accountability and an inefficient criminal justice system allowed police impunity to continue. All crimes less serious than intentional homicide committed by uniformed police officers against civilians remained in the military justice system. Long delays allowed many cases to expire due to statutes of limitations (see Section 1.e.). In 2000 the military justice system processed 527 cases.

The 1996 "Bicudo" Law provides civil courts with jurisdiction over serious crimes committed by uniformed police officers, allowing civil prosecutors to review the most egregious criminal cases while the police themselves review less prominent cases. According to human rights activists, the law had marginal success since it applies only to an intentional killing by police. Almost without exception, police investigators concluded that suspects were killed while resisting arrest, and thus the deaths were justified.

The Sao Paulo police ombudsman convinced some judges to review more carefully the circumstances surrounding the deaths of civilians by police. During the year, the ombudsman appealed to judges to consider three factors: 1) the crime alleged, 2) the alleged resistance of the suspect to arrest, and 3) the possible crime committed by police in killing the suspect.

In October the Sao Paulo police ombudsman protested the conclusion of an internal police investigation regarding the 2001 killing by five civil police of four individuals suspected of involvement in the murder of the mayor of Caraguatatuba, Sao Paulo. According to press reports, the policemen claimed they shot the suspects in self-defense while trying to arrest them. However, the ombudsman alleged that the investigation suggested the case

should have been sent to a civilian prosecutor to review evidence of intentional homicide by the police. The ombudsman indicated he would review the case to ascertain whether the police actually executed the suspects. The case has been referred to the public prosecutor, and an investigation was opened; by year's end no determination had been made on whether to file charges against the policemen involved.

In October the case of retired police Colonel Ubiratan Guimaraes--the highest ranking policeman to face a civilian jury under the Bicudo law--was complicated when Guimaraes was elected to a 4-year term in the Sao Paulo State Legislative Assembly. Guimaraes had been convicted of murder in 2001 for his involvement in the 1992 Carandiru prison rebellion in which 111 prisoners were killed (see Section 1.c.). He was sentenced to a 632-year prison term, although under the Constitution his prison term would be limited to 30 years. Guimaraes appealed his conviction and was subsequently released pending resolution of the appeal. The other 85 officers accused of involvement in the Carandiru massacre were still awaiting trial. While the statute of limitations has expired for the charges of torture and beatings, the officers can still be tried for murder. All of the officers were free awaiting trial.

In July the Sao Paulo press reported that the 40-member Group for Repression of Crimes of Intolerance (GRADI), a military police intelligence network directly subordinate to the Secretary of Public Security, had illegally recruited prisoners to infiltrate PCC cells on three separate occasions. In the 9 months between July 2001 and March 2002, the 3 GRADI infiltration operations reportedly resulted in 7 arrests and 22 deaths, including 1 informant. The dead informant, 22-year-old Fernando Henrique Rodrigues Batista, was allegedly killed in July 2001 by the same police who recruited him.

Human rights activists and some within the judiciary compared GRADI to the police "death squads" that operated in the 1970s. The police ombudsman reported that he had evidence linking 21 homicides to GRADI; so far no charges have been brought against GRADI officers. The Sao Paulo Public Prosecutor ordered an inquiry into these allegations, as did the Congress' Human Rights Commission; however, in an official statement, the Sao Paulo Secretary of Public Security defended GRADI's actions.

In October in the coastal town of Garuja, two members of the Sao Paulo uniformed police were arrested for the October murders of two motorcyclists detained after a pursuit, 17-year-old Anderson do Carmo and 20-year-old Celso Giolelli Malgahaes Junior. An eyewitness reported that the policemen placed the youths in the back of their vehicle and drove away. The following morning, their bullet-ridden bodies were found in a garbage dump. Corporal Mauricio Miranda and Private Silvio Ricardo Monteiro Batista were arrested and were being tried for homicide; they remained in custody pending the conclusion of the case.

As of November, no police officers were charged in the 2000 killing of a member of the Landless Movement (MST) during a confrontation between protesters and uniformed police in Curitiba, Parana. An internal police investigation concluded that the police had not committed a crime and that the police were justified in using their weapons in self-defense after the marchers failed to comply with an order to disperse.

In 2000 the Sao Paulo Secretary of Security created a Special Commission to curb excessive use of police force and required police in Sao Paulo who kill a suspect to complete within 24 hours a detailed report explaining why lethal force was used. According to the Sao Paulo ombudsman, the police did not fully comply with this regulation: Many filed no report while others filed incomplete or inaccurate reports.

Two military police were convicted in the August 2001 murder of Roberto Angelo de Souza in Canoas, Rio Grande do Sul. Each received the minimum penalty of 6 years' incarceration, and they were expelled from the police force.

In the case of Thomas Feltes Engel, killed in Sao Leopoldo, Rio Grande do Sul, in September 2001, prosecutors were seeking the conviction of a military policeman for homicide.

In the September 2001 case of two Sao Paulo military police accused of murdering Sidney de Lima Advento, the accused officers provided depositions, but the case had not come to trial by year's end.

No further information was available concerning reports that in 2000, a local police officer was arrested near Boa Vista, Roraima, on the charge that he had participated in the killing of seven adolescents. The case was believed to be inactive.

In 2001 a court convicted 5 and acquitted 19 police officers (of 31 charged with participation) in the 1993 massacre of 21 residents of the Vigario Geral neighborhood of Rio de Janeiro. At year's end, four officers still awaited trial. None of the victims' families received compensation from the Government.

The use of torture by police sometimes led to the death of the victims (see Section 1.c.).

Harsh and life-threatening prison conditions, official negligence, poor sanitary conditions, abuse by guards, and a lack of medical care led to a number of deaths in prisons. Prison homicides, due to both prisoner violence and action by authorities during rebellions, continued during the year, but official statistics were unavailable.

No further information was available in the case of the director of security and discipline of Andradina Penitentiary in Sao Paulo State charged with triple homicide in the February 2001 asphyxiation deaths of three prison gang members reportedly involved in prison rebellions.

Police killings of street children continued (see Section 5).

By year's end, no arrests had been made in the case of two Truka indigenous persons allegedly murdered by state police in January 2001 in Pernambuco.

No progress was reported in the case of Xucuru leader Francisco de Assis Santana, murdered in August 2001 in Pernambuco while en route to a meeting with the National Indian Foundation (FUNAI) to complain about encroachment on indigenous lands.

No information was available as to the date of a possible new trial in the case of a landowner accused of ordering the 1983 killing of Guarani land activist Marcal Tupa-I. In April 2001, the Supreme Court overturned a verdict of innocence in the case.

Several labor activists were killed during the year (see Section 6.a.).

By year's end, two mayors and two other persons had been indicted in the September 2001 killing of labor leader and city councilman Carlos "Gato" Alberto Santos de Oliveira in Sergipe State. Three witnesses interviewed by prosecutors received police protection.

According to public security officials, death squads in which the police are involved continued to operate. Human rights groups reported the existence of organized death squads linked to the police forces that target suspected criminals and persons considered "undesirable"--such as street children--in almost every state. In 2000 Amnesty International (AI) reported that police death squads remained active in Mato Grosso do Sul. A 1999 report on death squads by the Human Rights Committee of the Federal Chamber of Deputies found that death squad activity with police involvement also existed in several other states, including Bahia, Rio Grande do Norte, Mato Grosso, Amazonas, Para, Paraiba, Ceara, Espirito Santo, and Acre. The report did indicate that, with the exception of Bahia, death squad activity was declining. However, human rights groups and the local press reported that murders by death squads continued, although no examples were cited.

According to investigations by human rights committees in the Bahia legislature and the lower house of the Congress, in Bahia State alone death squads murdered 123 persons from January to August, compared with 321 persons in all of 2001. These numbers represented about 10 percent of all adolescent and young adult murder victims in the state. Most victims were poor and black, and in many cases they were tortured before being killed. However, Bahia's public security secretary, testifying in a Justice Ministry investigation, denied the existence of death squads in the state.

In April and May 2001, the authorities arrested eight uniformed policemen, an investigative policeman, and two firemen suspected of participating in death squad killings in Rio de Janeiro State. Three of the suspects were accused of the April 2001 murder of 21-year-old Leonardo Marinho, son of another fireman. There was no further information on the case.

In Espirito Santo State, a 1999 state police investigation and a state parliamentary committee of inquiry initially reported that an informal organization called the "Squad le Cocq" involving police, judicial, and elected authorities--including president of the State Assembly Jose Carlos Gratz--was responsible for the vast majority of organized crime in the state. However, a yearlong investigation by the parliamentary committee failed to prove any of the accusations against Gratz. The legislator was reelected in October, but an election court judge annulled the result on grounds that Gratz had committed illegal acts during his campaign. Press reports indicated continuing activity by organized crime in Espirito Santo. Human rights activists, NGOs, and politicians urged the Federal Government to intervene, and late in the year a federal-state task force began investigations to root out organized crime in the state.

Many persons have been killed in recent years in conflicts involving disputes over land ownership and usage. The MST continued its campaign of legal occupation of lands identified as unproductive and illegal occupation of land not so designated. The MST also continued its occupation of public buildings. MST activists often used confrontational and violent tactics and destroyed private property during some occupations. The Catholic Church's Pastoral Land Commission (CPT), the country's foremost entity monitoring human rights in rural areas, reported that at least 16 rural laborers were murdered in land conflicts. Moreover, according to CPT, at least 73 persons received death threats as a result of land disputes.

A 2000 CPT report concluded that the impunity enjoyed by landed interests as a result of the "fragile" justice system and the collusion of local political interests continued to encourage serious human rights abuses of landless activists, including murder and torture. However, the report also noted that the tactics of the land reform movement led to a self-perpetuating cycle in the past several years, in which increased confrontation and tension led to increased government attention, encouraging in turn more land occupations.

No arrests or prosecutions were reported in the 2001 killings of two leaders of landless movements in the State of Mato Grosso do Sul: In April 2001, Jose Rafael do Nascimento, founder and leader of the Movement of Rural Workers (MTR), was killed by civil police, who alleged he was shot while resisting arrest in connection with homicides in Sao Paulo, and in June 2001, Valdecir Padilha, a local leader of the MST, was killed by an unidentified gunman. There was no further information available on either case.

There were no known developments in the killings in 2000 of Jose Dutra da Costa, a rural activist in Para State and Manuel Souza Neto, a leader of the MST. Landowners were suspected of involvement in both cases.

Military police involved in the 1996 massacre of 19 MST protesters at Eldorado dos Carajas, Para State, went on trial in April. Of the 146 police tried, 144 were absolved, and 2 were convicted. Major Jose Oliveira was sentenced to 158 years in prison, and Lieutenant Colonel Mario Pantoja to 228 years. Both appealed the verdict and remained free. AI criticized the decision, citing numerous errors in the trial.

Violence committed against children remained a serious problem. A UNESCO study reported that 75 percent of deaths of adolescents between the ages of 15 to 19 resulted from violence.

#### b. Disappearance

Police were implicated in kidnappings for ransom. Most observers believed that uniformed and civil police involvement in criminal activity, including kidnapping and extortion, was widespread. (see Sections 1.a. and 1.c.).

On January 24, then-President Cardoso issued a temporary executive decree authorizing the federal police to intervene at the state level in certain human rights cases, including kidnappings. The decree became law on May 8; however, the federal police were not known to have used this new authority during the year.

A 1995 law assigned government responsibility for the deaths of political activists who "disappeared" during the military regime while in custody and obligated the Government to pay indemnities of between \$74,000 and \$110,000 (200,000 to 300,000 reais) to each of the families. In 1997 President Cardoso signed a decree awarding reparations to the families of 43 such persons. As of August, 280 out of 366 requesters had received indemnities. A commission created by the law continued to evaluate requests for, and authorize payment of, indemnities. In October Rio de Janeiro State created a legislative commission to review requests for state indemnities for persons who disappeared or were tortured under the military regime. The indemnities, which were based on life expectancy, could range from about \$28,570 to \$42,860 (100,000 to 150,000 reais).

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and a 1997 law prohibit torture and provide severe legal penalties for its use; however, torture by police and prison guards remained a serious and widespread problem.

In a 2001 report on torture in jails and prisons, U.N. Special Rapporteur on Torture Sir Nigel Rodley concluded that torture was still widespread, systematic, and often deadly (see Section 1.a.). Rodley based his report primarily on visits to prisons in five different states during 2000. Torture was reportedly practiced during every phase of detention: Initial questioning, temporary detention, and long-term detention. Rodley noted that the most common forms of torture were electric shocks, beatings, and threats. Usually the torture victims were poor and uneducated. According to Rodley, police and prison officials usually were inadequately trained and unfamiliar with proper investigative procedures. In response the Government undertook to implement the report's recommendations but

also noted that the Constitution restrains the Federal Government from controlling the actions of state governments and police authorities.

Several human rights groups, including AI and Justica Global, issued reports during the year on torture. The AI report noted that systematic torture and maltreatment continued throughout the justice system in 2001, often commencing at the initial moment of detention. The press also claimed that GRADI police tortured prisoners.

In March two prisoners--one convicted of homicide, the other of theft--were allegedly tortured. With a judge's consent, GRADI police officers had removed the two prisoners from Sao Paulo's Carandiru prison to infiltrate a PCC gang that was planning a robbery near Guarujá, on the Sao Paulo coast. During the operation, the two prisoners attempted to escape. Police recaptured the prisoners and allegedly beat them, returning the two to prison the following day with multiple cuts and other injuries.

In July Osmarilton Meneses dos Santos was tortured and badly beaten for 3 days by civil police in Bahia State. Allegedly, the police were seeking a false confession for the robbery of a motorcycle. The victim later reported the incident to the legislature's Commission on Human Rights. Despite promises by the governor for quick action, the officers were only moved to new stations.

The police appeared to benefit from a high level of impunity in cases of torture. Often the police themselves were responsible for investigating cases of torture carried out by fellow policemen. The problem remained most pervasive at the state level. The Government began a "National Campaign to Combat Torture" to sensitize all segments of civil society--judges, attorneys, and legislators, as well as the general public--to the rights of prisoners. Judges, public prosecutors, and attorneys were expected to receive training in investigating complaints of torture. The campaign also included media advertisements that torture is a crime and a nationwide toll-free number to receive complaints.

The NGO National Movement for Human Rights, which administers the Ministry of Justice's torture hot line reported it received 873 calls alleging torture or inhuman or degrading treatment during the year. Among metropolitan capitals, Sao Paulo had the highest percentage of complaints. In 51 percent of the calls alleging torture or inhuman or degrading treatment, the alleged perpetrators were public agents--198 were civil police and 240 were uniformed police. States with the highest number of allegations of mistreatment at the hands of civil and uniformed police were Sao Paulo (175), Minas Gerais (129), Bahia (87), Para (88) and Rio (65). Sixty-nine percent of alleged victims were men, 21 percent were women, and 10 percent were juveniles. Actual incidents of torture may be significantly higher than use of the hot line indicated. A 2002 Justica Global report, citing data from two other human rights groups working in Sao Paulo State prisons, reported 1,631 cases of torture in the state's prisons.

While agreeing that the hot line was a positive step, human rights activists cautioned that it did not attack the heart of the mistreatment problem. The activists urged that attorneys, prosecutors, and judges receive training on how to investigate allegations of torture and bring offenders to justice.

Long delays in the special police courts allowed many cases of torture and lesser charges to expire due to statutes of limitations (see Section 1.e.).

The police investigation in the February 2001 torture case of Wander Cosme Carneiro (whom Sao Paulo civil police were accused of torturing while trying to obtain a murder confession) was still underway. The report on the police investigation in the case of Marcos Puga--allegedly beaten by Sao Paulo police in 2000--was referred to the court in August for a determination of whether to bring criminal charges against the police officials involved in the incident; a separate disciplinary inquiry remained underway. No new information was available on the case of two alleged cigarette smugglers in Foz de Iguacu reportedly beaten by two police officers.

At year's end, a local court was still conducting pretrial hearings of witnesses regarding the allegations that in January 2001 police in Minas Gerais beat and tortured Alexandre de Oliveira into falsely confessing that he had raped his infant daughter.

There was no further progress by year's end in the case of two alleged shoplifters reportedly tortured in January 2001 by Carrefour department store security guards and local drug traffickers.

Police violence against homosexuals continued (see Section 5). Gay rights activists in the city of Recife compiled substantial evidence of extortion and the unlawful use of violence against transvestite prostitutes. Police routinely extorted money from transvestites and often beat or killed those who failed to cooperate. Several NGOs

documented the existence of skinhead, neo-Nazi, and "machista" (homophobic) gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao Paulo, Salvador, Belo Horizonte, and Brasilia (see Section 5). In some cases, these gangs allegedly included police officers.

Human rights groups criticized the alleged sexual abuse of members of indigenous groups by army units stationed in Roraima State (see Section 5).

The National Secretariat for Human Rights sponsored human rights training programs throughout the country in cooperation with federal and state entities and national and international organizations. The Secretariat administered human rights training for policemen in cooperation with AI in 10 states. Human rights groups maintained that the effect of these programs was limited. However, human rights activists in many states reported willingness of police authorities to address their concerns and to deal with problems brought to their attention.

Respect for human rights and sensitivity to the problems of minorities and the poor were included in police training in Rio de Janeiro. An Institute for Public Security, created in 2000 to reform police organization, recruitment, and training in Rio de Janeiro, made only limited progress in improving human rights performance of the police. A number of states have established ombudsmen (see Section 4).

In December the International Committee of the Red Cross (ICRC) concluded its human rights training courses for high-ranking state military police officers at the Federal Police Academy in Brasilia. Military police from several states were trained in basic techniques, including the apprehension and interrogation of criminal suspects without recourse to excessive or unnecessary force.

Sao Paulo's community policing initiative provided training to about one-fifth of the city's uniformed police force under the state initiative. Pursuant to the initiative, high-ranking police officials met with citizens' consultative groups weekly. The uniformed police also instituted a policy of "recycling" policemen involved in shootings, removing them from patrols for 6 months and offering them counseling.

Prison conditions throughout the country ranged from poor to extremely harsh and life threatening. Penal authorities in those states with the highest prison populations often did not separate young offenders from adults and petty offenders from violent criminals. Prison riots were frequent. Discipline was difficult to maintain under such conditions, and prison officials often resorted to brutal treatment, including torture. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and a lack of medical care led to a number of deaths in prisons (see Section 1.a.). The poor working conditions for prison guards also encouraged corruption. According to an official in Sao Paulo State's School of Penitentiary Administration, however, guards were investigated more aggressively and disciplined more effectively. This official also noted the 2- to 5-year period required to fire corrupt police and prison guards had been cut to 8 months.

Sao Paulo State prison officials took steps to improve the quality of the guard force, including training over 7,000 guards during the year, with instruction in human rights, infectious diseases, drug addiction, and ethics. The Sao Paulo State also attempted to improve conditions by building more prisons and creating committees of community leaders to monitor prison conditions. Sao Paulo State--like the states of Parana and Rio Grande do Sul--had a prison ombudsman program.

Severe overcrowding in prisons and police detention centers was prevalent and was most critical in the states with the largest prison populations, including Sao Paulo, Rio de Janeiro, Bahia, Rio Grande do Sul, Maranhao, Mato Grosso do Sul, Minas Gerais, Parana, and Pernambuco. A national prison census completed in November 2001 indicated that there were approximately 233,000 prisoners in a prison system designed to accommodate 167,000 prisoners. Construction of penitentiaries continued but was inadequate to alleviate overcrowding.

Sao Paulo State completed 10 model prisons, or "resocialization centers," and 5 more were under construction, each designed to hold 210 prisoners. In addition to the resocialization centers, 39 penitentiaries were under construction in Sao Paulo State during the year. Seven were operational at year's end.

Overcrowding was an even greater problem in police jails than in penitentiaries. The jails were intended to be temporary holding facilities; however, due to pretrial delays and overcrowding in state penitentiaries, almost 53,000 of the 229,000 prisoners resided in local lockups, awaiting either trial or transfer to state penitentiaries. According to Sao Paulo State's School of Penitentiary Administration, approximately 14,000 persons awaiting trial were incarcerated in the state's local police stations. Another 12,500 who had been tried and convicted were awaiting transfer to permanent facilities.



Overcrowding, poor conditions, prisoner riots, and accusations of sexual abuse and torture pervaded Sao Paulo's juvenile detention centers, known as FEBEM. Early in the year, Maria Luiza Granado was appointed to oversee Sao Paulo's 57 FEBEM facilities--the sixth FEBEM president in just over 2 years.

The number of inmate rebellions decreased--a trend that the Public Prosecutor for Children and Youth attributed to greater efforts by the authorities to maintain peace during an election year. According to the Public Prosecutor, the number of complaints of torture against juvenile inmates in Sao Paulo increased to 93 in the first half of the year.

Construction of new FEBEM facilities continued at a slow pace. After prison riots in 1999, Sao Paulo State undertook to build 20 new FEBEM facilities; 10 new facilities were completed and 8 were renovated by year's end.

On January 2, Fernando Dutra Pinto, the convicted kidnaper of the daughter of a television personality, died in the Belem Provisionary Detention Center, in Sao Paulo. An investigation by a University of Sao Paulo pathologist found that Pinto--who had been attacked by prison guards on December 10, 2001--had suffered a cut that developed into a generalized infection. Left untreated, the wound contributed to Pinto's death. The four guards suspected of having carried out the attack were not relieved of duty but were transferred to other prisons. The Civil Police initiated an administrative inquiry into the case. By year's end, no one had been tried for criminal misconduct.

In the first half of the year, there were four new accusations of torture at FEBEM's Franco da Rocha site. One youth alleged the existence of a torture room. The Brazilian Bar Association (OAB) cited 100 percent overcrowding in the facility, leading to "an extraordinary state of tension." In March two of the directors of the Franco da Rocha complex were relieved of duty, leading to a 1-day strike by over 90 percent of the guard force.

A July rebellion at the Tatuape FEBEM facility resulted in a number of injuries but no deaths.

The Public Prosecutor for Children and Youth acknowledged that FEBEM's Unit 27 of the Raposo Tavares complex had been the subject of numerous complaints of torture. In November 2001, a judge ordered that 16 guards and 4 directors of the facility be criminally prosecuted for torture. Despite the court order, the accused remained on duty at the complex. A subsequent accusation of torture was substantiated and led to the removal of one of the directors in July.

FEBEM's Parelheiros facility was closed in July at the orders of both a judge and the governor of Sao Paulo. NGOs and public prosecutors had protested that juveniles should not be housed in the converted adult maximum-security prison.

There was no new information on the case of the May 2001 rebellion at the Tatuape FEBEM facility. Following the rebellion, guards allegedly beat 78 inmates.

In December a UNICEF Project Coordinator criticized the FEBEM incarceration system in a press interview. In response to an AI criticism of the Sao Paulo government, the FEBEM president stated that 600 guards were relieved in 2001 based on abuse allegations, and that all juveniles were treated in accordance with the law. In May the State of Sao Paulo reduced the number of public defenders assigned to FEBEM from 13 to 7. AI expressed its concern over this further reduction in resources.

In November the IACHR announced plans to investigate systematic human rights abuses in FEBEM institutions in response to eight specific cases in which the Sao Paulo State Justice Tribunal had halted investigations into mistreatment of inmates on the grounds that they prejudiced "public security." FEBEM responded that such an investigation would be irrelevant since the facilities already had been closed.

Prisons generally did not provide adequate protection against violence inflicted by inmates on one another. In April three inmates, two of whom were 18 years old, were decapitated by fellow inmates in the Praia Grande Jail in Santos, Sao Paulo. One was also dismembered. In the confusion that followed, 10 prisoners escaped. At the time, the prison, with a capacity of 512, held 788 prisoners.

In September Sao Paulo State closed the Carandiru prison complex, the scene of a 1992 riot in which state police killed 111 prisoners and where 16 inmates were killed in a 2001 riot. Carandiru's approximately 7,000 inmates were moved to smaller prisons throughout the state and other parts of the country.

Although there was no official count, there were numerous prison riots and rebellions during the year.

In January a prison rebellion provoked by warring factions left 45 dead in the White Bear Penitentiary in Rondonia State. Most of the deaths appeared to have resulted from prisoner-on-prisoner violence, although NGOs attributed some of the deaths to use of excessive force by penal authorities.

Prisoners also were subjected to extremely unhealthy conditions. Scabies and tuberculosis--diseases uncommon in the general population--were widespread in Sao Paulo prisons, as were HIV/AIDS and even leprosy. In December 2001, the Ministry of Justice estimated that 10 to 20 percent of the national prison population was HIV positive. Denial of first aid and other medical care sometimes was used as a form of punishment. According to the U.N. Committee on Torture's report, homosexuals and patients with AIDS were discriminated against in prisons and often confined in separate cells.

The judiciary's ineffective use of alternative sentencing contributed to the problem of overcrowding. Only 10 states used alternative punishments, and only 3 percent of convicted prisoners received such a sentence.

Authorities attempted to hold pretrial detainees separately from convicted prisoners; however, due to prison overcrowding, pretrial detention facilities often were also used to house convicted criminals.

The States of Rio de Janeiro and Sao Paulo provided separate prison facilities for women; however, in those states, there were no facilities for women that had only women guards and wardens. Elsewhere women were held with men in some facilities. Male officers served in women's prisons, and abuse and extortion of sexual favors were common. In Rio de Janeiro State, there were only two police districts in which women were held in gender-segregated short-term jail facilities. Women's facilities in Sao Paulo's penitentiary system were even more overcrowded than those for men. There were 1,971 women in facilities built to accommodate 1,700 female inmates.

It is government policy to permit prison visits by independent human rights observers, and state prison authorities generally followed this policy in practice. Federal officials in the Ministry of Justice responsible for penal matters offered full cooperation to AI, which reported no significant problems in gaining access to state-run prison facilities.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention and the Government generally observed these prohibitions; however, police continued at times to arrest and detain persons arbitrarily. The Constitution limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority.

Human rights observers alleged that civil and uniformed police regularly detained persons illegally to extort money or other favors.

The authorities generally respected the constitutional provision for a judicial determination of the legality of detention, although many convicted inmates were detained beyond their sentences due to poor record keeping. The law permits provisional detention for up to 5 days under specified conditions during a police investigation, but a judge may extend this period. In general detainees were allowed prompt access to family members or a lawyer, but there were cases when detainees --typically poor and uneducated--were held longer than the provisional period. Groups that assisted street children claimed that the police sometimes detained youths without judicial orders or held them incommunicado.

In criminal cases, defendants arrested in the act of committing a crime must be charged within 30 days of their arrest. Other defendants must be charged within 45 days, although this period may be extended. In practice the backlog in the courts almost always resulted in extending the period for charging defendants.

Bail was available for most crimes, and defendants for all but the most serious crimes had the right to a bail hearing.

The Constitution prohibits forced exile, and it was not practiced.

#### e. Denial of Fair Public Trial

The judiciary is an independent branch of government; however, it was inefficient, often subject to political and economic influences--especially at the state level--and lacked adequate resources. Judicial officials were often poorly trained. In many instances, poorer, less educated citizens made limited use of the appeals process that

might ensure their rights to a fair trial.

The judicial system with the federal Supreme Court at its apex included courts of first instance and appeals courts. States organized their own judicial systems but must adhere to the basic principles in the Constitution. Specialized courts dealt with police, labor, elections, juveniles, and family matters.

Based on the police investigation that led to the formal charges, prosecutors prepared an indictment for the review of a judge who determined if the indictment met the legal requirements to bring the accused to trial. A jury process tried those accused of capital crimes, including attempted homicide. A judge tried lesser crimes. Defendants had the right to appeal all convictions to state superior courts. They had the further right to appeal state court decisions to both the federal Supreme Court on constitutional grounds and to the federal Superior Court to contest whether a decision was consistent with the decision of a court in another state or infringed on federal law. All defendants sentenced to 20 years in prison or more had the automatic right to a retrial.

Special police courts composed of four ranking state uniformed police officials and one civilian judge had jurisdiction over state uniformed police (except those charged with homicide). Most police accused of crimes appeared before these courts (which are separate from the courts-martial of the armed forces, except for the final appeals court). Within these courts, conviction was often the exception rather than the rule. With too few judges for the caseload, there were severe backlogs, and human rights groups noted a lack of willingness by police to investigate fellow officers. Long delays allowed many cases of torture and lesser charges to expire due to statutes of limitations.

The law provides civilian courts with jurisdiction over cases in which uniformed police officers were accused of homicide (see Section 1.a.). However, except for the most egregious cases, the internal police investigation determined whether the homicide was intentional, while the police tribunal decided whether to forward the case to a civilian court for trial. As a result, few cases were referred to the civilian courts. The average case took 8 years to reach a definitive decision. At the appellate court level, a large backlog of cases hindered the court's ability to ensure fair and expeditious trials.

There continued to be numerous credible reports of state police officials' involvement in intimidation and killing of witnesses involved in testifying against police officials (see Sections 1.a. and 1.c.).

Defendants were entitled to counsel and must be made fully aware of the charges against them. There was no presumption of innocence. According to the Ministry of Justice, approximately 85 percent of prisoners could not afford an attorney. In such cases, the court must provide one at public expense; the law requires courts to appoint private attorneys to represent poor defendants when public defenders are unavailable; however, often no effective defense was provided.

The right to a fair public trial as provided by law generally was respected in practice, although in some regions--particularly in rural areas--the judiciary generally was less professionally capable and more subject to external influences. Similarly, when cases involved gunmen hired by landowners to kill squatters or rural union activists, local police often were less diligent in investigating, prosecutors were reluctant to initiate proceedings, and judges found reasons to delay (see Section 1.a.).

Low pay and exacting competitive examinations that could eliminate as many as 90 percent of the applicants made it difficult to fill vacancies on the bench. The law requires that trials be held within a set period of time from the date of the crime; however, due to the backlog, old cases frequently were dismissed unheard. This practice reportedly encouraged corrupt judges to delay certain cases purposely so that they could eventually be dismissed. Defense counsel often delayed cases in the hope that an appeals court might render a favorable opinion, and because they were paid according to the amount of time that they spend on a case.

According to one observer, courts convicted a much higher percentage of Afro-Brazilian defendants than they did whites (see Section 5).

There were no reports of political prisoners, although the MST claimed that its members jailed in connection with land disputes were in effect political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices; however, there were reports that the police conducted searches without a warrant (see Section 1.c.). Wiretaps authorized by judicial authority were permitted.

The inviolability of private correspondence generally was respected.

In midyear a human rights NGO and the press reported that armed drug traffickers in several slums in Rio de Janeiro forced families out of their homes if they refused to comply with traffickers' demands or tolerate illegal drug sales in the neighborhood. In one case, traffickers allegedly murdered a 15-year-old girl in her home and caused the rest of her family to flee. In November the NGO reported that an average of 33 families per week were displaced in this manner. According to the NGO and press reports, police often assisted the families in moving, but failed to provide protection that would enable them to remain in their homes.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution prohibits all forms of censorship and provides for freedom of speech and a free press, and the authorities generally respected these rights in practice; however, there were several attacks against journalists during the year.

Privately owned newspapers, magazines, and a growing number of on-line electronic publications vigorously reported and commented on government performance. Both the print and broadcast media routinely discussed controversial social and political issues and engaged in investigative reporting. Most radio and television stations were owned privately; however, the Government had licensing authority, and politicians frequently obtained licenses. The Liberal Party controlled a national network of radio and television stations. Current or former congressional representatives, some of whom were members of the committee that oversees communications, owned many television and radio stations, as well as local newspapers. It was unknown how many media outlets were controlled indirectly by politicians, since concessions often were registered in the names of family members or friends.

Penalties for libel under the 1967 Press Law include imprisonment, which rarely was imposed. The National Newspaper Association (ANJ) pressed for an updated press law, noting that the existing law does not establish criteria for calculating maximum fines for libel. The ANJ and newspaper owners throughout the country complained about huge fines and jail terms imposed against newspapers for "moral damage" that appeared aimed at crippling news organizations.

Complex electoral campaign laws regulate the broadcast media and apportion the free use of commercial radio and television broadcast time granted to political parties during an election campaign. The short periods for rulings and nonappeal provisions of the regulations are designed to enforce discipline and ensure that remedies are applied in a timely manner. Media and free speech advocates generally accepted the manner in which the campaign laws were enforced.

Foreign publications were distributed widely; prior review of films, plays, and radio and television programming was used only to determine a suitable viewing age.

The National Federation of Journalists (FENAJ) and the ANJ documented a number of violent attacks, including killings and threats, against journalists. The August 2001 ANJ report--covering the period August 2000 through July 2001--listed seven cases of physical aggression against journalists (including one case that involved Brazilian journalists in Paraguay). The ANJ report noted that seven journalists were murdered since 1995 and that none of the crimes had been solved. The ANJ further stated that impunity for crimes committed against journalists in conjunction with the inappropriate and inconsistent application of the Press Law impeded the functioning of a free press.

In October the NGO Reporters without Borders denounced the 1998 murder of journalist Manoel Leal in Itabuna, Bahia, as an attack on press freedom and called on the authorities to revive the stalled investigation of the case.

In September Savio Brandao, owner of the Folha do Estado newspaper in Mato Grosso State, was killed at close range, allegedly by hit men. The newspaper had been carrying stories on organized crime in the state. A police chief characterized the murder as "a carefully executed crime." In October former uniformed police officers Hercules Araujo Agostinho and Celio de Souza were arrested for the crime and at year's end were awaiting trial. The Minister of Justice promised federal assistance in the form of a federal police antiorganized crime taskforce to assist the State of Mato Grosso's investigation.

In October journalist Felipe Santolia--who had published articles about corruption in Piaui State and alleged that congressmen in the state had bought votes--was tied and nailed to a tree in a mock crucifixion but survived.

On October 23, a regional election tribunal judge in Brasilia ordered the seizure of all copies of the next day's edition of the newspaper *Correio Braziliense* if it printed the transcript of the governor's phone conversations that reportedly implicated the governor in an illegal land deal. The judge acted at the request of the governor and the Frente Brasilia Solidaria, which backed him in the election. The judge's order was overturned by the Supreme Election Tribunal.

In June prominent television journalist Tim Lopes was murdered in Rio de Janeiro; seven persons accused of the crime were arrested in September, and their trial was pending at year's end. A human rights NGO reported in November that, as a result of this case, newspaper editors had instructed their reporters to be more cautious in pursuing their investigations and to stay out of high risk areas. According to the Inter-American Press Association, Lopes was the fourth journalist murdered in Rio de Janeiro State since 1994.

There were no further developments in the case of the August 2001 murder of journalist Mario Coelho de Almeida Filho in Rio de Janeiro. Coelho was killed the evening before he was to testify in a criminal defamation lawsuit involving a local politician.

A domestic television journalist, who in August 2001 received repeated implied death threats after her series of investigative reports on drug trafficking in Rio de Janeiro's shantytowns, remained in hiding after failing to receive the police protection she had requested.

The Government did not impose restrictions on the use of the Internet; however, federal and state police began to monitor the Internet to detect on-line recruitment by sex traffickers (see Section 6.f.).

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Permits were not required for outdoor political or labor meetings, and such meetings occurred frequently.

On March 25, approximately 150 members of the MST invaded Fazenda Santa Maria, the farm of a personal friend and business partner of then-President Cardoso. The invasion came in retaliation for the arrest of 16 MST leaders during the March 23-24 occupation of President Cardoso's farm.

In 2000 police injured more than 30 persons while using bullets and tear gas to disrupt a march protesting ceremonies marking the quincentennial of the arrival of the Portuguese. Indigenous leaders filed suit against the police for damages and at year's end continued to press the Minister of Justice to accelerate a decision in the case.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. In the 2000 census approximately 74 percent of the population identified themselves as Roman Catholic; however, there was no favored or state religion. There were no registration requirements for religions or religious groups, and all faiths were free to establish places of worship, train clergy, and proselytize. The Government controlled entry into indigenous lands and required missionary groups to seek permission from the FUNAI.

Leaders in the Jewish community expressed concern over the continued appearance of anti-Semitic material on Internet websites compiled by neo-Nazi and "skinhead" groups.

In September a Rio de Janeiro state court upheld a sentence of community service imposed on a writer for publishing anti-Semitic slurs in a small-city newspaper. In October a court in Minas Gerais State imposed a fine of \$500 (1,800 reais) on a retired lawyer for using a racial slur in talking with a 29-year-old stonemason (see Section 5).

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice, although there were restrictions on entry into protected indigenous areas, and a parent is not allowed to leave the country with children under the age of 18 without the permission of the other parent.

A 1997 law provides for asylum and refugee status in accordance with the principles of the 1951 U. N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provided first asylum and cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were an estimated 2,894 refugees in the country, mostly from Angola and other African countries, but also including persons from Iran, Bosnia, and Kosovo. The Government expanded its resettlement program to accept UNHCR referral of 100 refugees from Iran, Namibia, and Afghanistan. During the year, a total of 68 persons were granted refugee status, out of a total of approximately 531 requests. According to the Ministry of Justice, the number of refugees granted asylum was significantly lower than in 2001 due to the end of the Angolan civil war.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting is secret and mandatory for all literate citizens aged 18 to 70, except for military conscripts who may not vote. It is voluntary for minors from 16 to 18 years of age, for the illiterate, and for those aged 70 and over.

In the October national elections, Worker's Party candidate Inacio Luiz Lula da Silva won a 4-year term with over 61 percent of the vote in the second-round runoff.

The Chamber of Deputies has 513 seats; the Senate has 81 seats. In the October elections, the PT won 91 Chamber seats and 14 Senate seats, becoming the largest single party in the Chamber. At year's end, the PT was negotiating with other parties to build majority coalitions in both houses.

A September 2001 constitutional amendment limits the President's power to legislate by "provisional measure" (MP). The amendment limits the validity of presidential MPs to 60 days (renewable once). The President no longer may issue MPs that address nationality, citizenship, political rights, legal due process, or the judicial branch, or that could change the Constitution or the budget (except under extraordinary circumstances).

Women had full political rights under the Constitution and were increasingly active in politics and government. Cultural, institutional, and financial barriers continued to limit women's participation in political life. In the October elections, there were 2,647 female candidates (14 percent of the total), compared with 1,778 female candidates in 1998 (12 percent of the total). Representation of women in the national Congress increased from 6.1 percent to 8.4 percent after the October elections: 42 women were elected to the Chamber of Deputies and 8 to the Senate. Incoming President Lula da Silva nominated four women to hold cabinet-level positions, including that of Secretary of State for Women's Affairs, which previously was supervised by the Ministry of Justice and now reports directly to the President.

Diverse ethnic and racial groups, including indigenous people, were free to participate politically.

In September the regional electoral tribunal in Acre State ruled that incumbent Governor Jorge Viana could not stand for reelection because of alleged campaign law abuses. The TSE overturned the decision.

In September several voters in poor regions of the Federal District alleged that they had received threats from representatives of the governor and other incumbent candidates campaigning for reelection. Voters alleged that they were warned that if they did not vote for the specified candidates, health and other social benefits would be cut off.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local and national human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal officials usually were cooperative and responsive to their views. Federal and state officials in many cases actively solicited the aid and cooperation of NGOs in addressing human rights problems; however, human rights monitors occasionally were threatened and harassed for their efforts to identify and take action against human rights abusers, especially members of the state police forces.

AI denounced death threats made during the year against more than 50 human rights activists working in Espirito Santo State and called on the state government to do more to investigate human rights abuses and organized crime. AI also challenged President Cardoso to do more to assist the Ministry of Justice's investigation into the abuses in Espirito Santo.

Denise Frossard, a retired judge working for Transparency International, received death threats. Former military policeman Jadir Simeone Duarte--who allegedly received an offer of \$270,000 (1 million reais) to kill Frossard--was arrested before he could commit the murder.

The Justice Ministry's National Secretariat of Human Rights administered and sponsored programs to reduce violence among the poor, to train police officials in human rights practices, and to combat discrimination against blacks, women, children, indigenous peoples, the elderly, and persons with disabilities.

During the year, the Government appointed Paulo Sergio Pinheiro, former U.N. Special Rapporteur for Human Rights in Burundi and the U.N. Special Rapporteur for Human Rights in Myanmar, as the new Secretary for Human Rights. In October 2001, the Government established a Federal Commission Against Torture (see Section 1.c.).

A number of states have ombudsmen (see Sections 1.a. and 1.c.). However, some NGOs and human rights observers questioned the independence of some of the ombudsmen. All ombudsmen offices suffered from insufficient resources.

#### Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination on the basis of sex, race, religion, or nationality; however, discrimination against women, blacks, and indigenous people continued unabated, and there was widespread violence against homosexuals. The International Labor Organization (ILO) noted that significant differences in wages affected women and blacks, particularly in rural areas. A 1997 law provides prison penalties and fines for racist acts, including promulgation of pejorative terms for ethnic or racial groups, use of the swastika, or acts of discrimination based on sex, religion, age, or ethnic origin. There were no known convictions under this law.

There continued to be reports of violence against homosexuals, although it was not always clear that the victim's sexual orientation was the reason for the attack. The Gay Group of Bahia (GGB), the country's best known homosexual rights organization, and AI documented the existence of skinhead, neo-Nazi, and "machista" gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao Paulo, Salvador, Belo Horizonte, and Brasilia. In some cases, these gangs included police officers (see Section 1.c.).

The GGB claimed that 132 homosexuals--male and female--were killed in 2001. Transvestite prostitutes--the most visible homosexual group--were at greatest greater risk of violence; there were reports of police abuse of transvestites (see Section 1.c.). The police reportedly investigated 46 murders related to homosexuality.

In September Igor Xavier was reportedly killed in Minas Gerais State by an antigay farmer. The farmer, who admitted the shooting, claimed that the victim abused his 19-year-old son; however, evidence pointed to an elaborately planned murder. According to witnesses, the farmer met Xavier at a bar, took him home, shot him twice at close range, and dumped the body on the side of a rural highway. The farmer's family members later helped him clean up the murder scene.

In April Jose Marcio Santos Almeida, a known homosexual, was stoned and beaten in a small town in Alagoas State. Before dying the following day, Almeida named his attackers, who were arrested and remained in police custody at year's end. His death was labeled a hate crime. A 2000 survey conducted on the killing of homosexuals registered 28 deaths in Sao Paulo, 18 in Pernambuco, and 10 in Alagoas. Bahia State allegedly recorded 1,960 homosexual-related killings between 1980 and 2000.

In the case of the 2000 beating death in Sao Paulo of Edson Neris da Silva--seen holding hands with another man--a court sentenced two alleged gang members to 21 years in prison, while a third suspect received a lighter sentence. The status of the court cases against 15 other defendants in the case was unknown.

The Secretariat of State Security of Rio de Janeiro, in partnership with NGOs, continued to operate a hot line for complaints of violence or other crimes against homosexuals, as well as for complaints of prejudice, discrimination, or other crimes based on race, ethnicity, color, religion, or national origin. The offices in police headquarters where both hot lines were located also offered professional counseling to victims of such offenses.

#### Women

The most pervasive violations of women's rights involved sexual and domestic violence, which were both widespread and underreported. Most major cities and towns had special police offices to deal with such crimes against women; however, reporting crimes and receiving help continued to be a problem for women living in remote areas sometimes great distances from the nearest special office. For example, the large but sparsely populated states of Acre and Roraima each had only one such office.

In Rio de Janeiro an integrated center for support to women victims of violence or discrimination, which opened in March 2001, provided psychological and legal assistance to 130 women per month and had a hot line to encourage women to register complaints. Women who consulted the center about domestic violence could stay at women's shelters run by the city of Rio de Janeiro and a smaller town. Demand by women and their children to stay in the shelters exceeded their capacity.

Each state secretariat for public security operated "women's stations" (*delegacias da mulher*). However, the quality of services provided varied widely, and the availability was especially limited in isolated areas. The stations were intended to provide the following services for victims of domestic violence: Psychological counseling; a "shelter home" for victims of extremely serious abuses who had no place to go; hospital treatment for rape victims, including treatment for HIV and other sexually transmitted diseases; and initiation of criminal cases by investigating and forwarding evidence to the courts. However, a November 2001 Ministry of Justice report revealed that many of the women's stations fell far short of standards. For example, 20 percent lacked a conventional telephone line, 53 percent lacked police officers trained in dealing with violence against women, and 77 percent did not have an officer on duty 24 hours a day. In Rio de Janeiro State, the women's police stations registered 1,364 cases of sexual violence against women during the year, a 2.4 percent increase over the 1,332 cases in 2001.

The sentences for rape varied from 8 to 10 years. An offender accused of domestic violence in a case that did not involve a serious offense and carried penalties of less than 1 year's imprisonment could receive alternative sentencing with no jail term. A national study of rape cases carried out by a group of Sao Paulo academics indicated that family members committed roughly 70 percent of rapes.

Spousal rape is illegal; however, men who committed crimes against women, including sexual assault and murder, were unlikely to be brought to trial. A 1999 study indicated that 70 percent of criminal complaints regarding domestic violence against women were suspended without a conclusion. Only 2 percent of criminal complaints of violence against women led to convictions. In 1998 the National Movement for Human Rights (NMHR) reported that female murder victims were 30 times more likely to have been killed by current or former husbands or lovers than by others, a rate that the NMHR believed still continued.

Adult prostitution is not illegal; however, various associated activities, such as running an establishment of prostitution, are illegal.

Trafficking in women for the purpose of prostitution was a serious problem (see Section 6.f.).

Sexual harassment is a criminal offense, punishable by 1 to 2 years in jail. In addition to its application in the workplace, the law encompasses sexual advances between family members, individuals in educational institutions, and service providers or clients. In the workplace, it applies only in hierarchical situations, where the harasser is of higher rank or position than the victim.

The Constitution prohibits discrimination based on gender in employment or wages and provides for 120 days of paid maternity leave. However, the provision against wage discrimination rarely was enforced. According to a study conducted by the Getulio Vargas Foundation, women had to study 25 percent more in order to receive the same salary as men. On average, each additional year of studies yielded a 10 percent salary increase for men, and only an 8 percent increase for women.

A 2000 study by the Brazilian Institute of Geography and Statistics (IBGE) indicated that in the country's six largest metropolitan areas, the median income for women was 67 percent that for men; 1998 government statistics indicated that women with a high-school education or less earned, on average, 63 percent of the salaries earned



by men with comparable education. Afro-Brazilian women earned on average 26 percent of a white male's salary. A 2001 Ministry of Labor survey reported that the average starting salary for high school educated women in Sao Paulo was one-third less than the average starting salary for high school educated men. According to the Ministry of Labor and Employment (MLE), Centers for the Prevention of Workplace Discrimination existed in 16 states. These centers, which were housed in regional bureaus of the Ministry, promoted programs to end discrimination in the workplace and cultivated partnerships with other organizations that combat discrimination. The centers also served as clearinghouses for allegations of discrimination.

The Maternity Leave Law prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates; however, some employers sought sterilization certificates from female job applicants or tried to avoid hiring women of childbearing age. Employers found violating the law are subject to a jail term ranging from 1 to 2 years, while the company must pay a fine equal to 10 times the salary of its highest-paid employee. At year's end, there was no information on enforcement of this law.

In December in one of his first appointments, incoming President Lula da Silva named a woman to the newly created cabinet-level position of Secretary of State for Women's Affairs.

## Children

Millions of children continued to suffer from the poverty afflicting their families, worked to survive, and failed to get an education. Schooling is free and compulsory between the ages of 7 and 14 and was available in all parts of the country; however, not all children attended school regularly. The rate of school enrollment of children aged 7 to 14 increased from 89 percent in 1994 to 95 percent in 1999, but there were still 1.1 million children in this age group who did not attend school. Repetition rates and the poor quality of public schools continued to be a problem. Fully 40 percent of first-graders repeated the year, and in a number of states first-graders were more likely to fail than to pass. Girls and boys attended school in roughly comparable numbers.

In 2000 UNICEF reported that each year nearly 100,000 children died before their first birthday, almost half during the perinatal period. Between 1989 and 1999, the national infant mortality rate declined from 51 to 34 per 1,000 live births; however, in some states, such as Alagoas, it was as high as 72 per 1,000, and some municipalities had rates of 110 per 1,000.

A 2001 UNICEF report based on 1999 data estimated that over 20 million children and adolescents--almost 39 percent of the total--lived in poverty. The Inter-American Development Bank estimated in 2001 that 30 million children lived below the poverty line.

Child abuse was widespread, but the 2001 UNICEF report noted that there were no useful nationwide statistics on its extent.

Sexual exploitation of children and child prostitution remained a significant problem throughout the country. In association with the Ministry of Justice, the NGO ABRAPIA since 1997 has operated a telephone hot line to register complaints of sexual abuse against children and adolescents. In the 5-year period ending December 2001, the hot line received a monthly average of 40 complaints nationwide, of which one-third came from the States of Rio de Janeiro and Sao Paulo. In the first 6 months of the year, the hot line received 797 complaints, compared with 303 in the first 6 months of 2001. ABRAPIA also administered the "SOS-child" program in Rio de Janeiro State that registered complaints of domestic abuse against children and provided medical and social assistance.

A 1999 study by the Reference Center on Children and Adolescents (CECRIA), an entity within the National Human Rights Secretariat, indicated that patterns of sexual exploitation of children corresponded to the distinct economic and social profile of the country's region. In the northern Amazonian region, sexual exploitation of children centered around brothels that catered to mining settlements. In the large urban centers, children, principally girls, who left home to escape abuse or sexual exploitation often prostituted themselves on the streets in order to survive. In the cities along the northeast coast, sexual tourism exploiting children was prevalent and involved networks of travel agents, hotel workers, taxi drivers, and others who actively recruited children and even trafficked them outside the country (see Section 6.f.). Child prostitution also developed in the areas served by the country's navigable rivers, particularly in ports and at international borders. The report noted that although trafficking developed in part to meet the demands of foreigners, the local population sustained it. In 2000 the ILO reported that observers had cited over 3,000 girls who were subjected to debt servitude and forced into prostitution in Rondonia State.

A June law lengthened the maximum sentence to 10 years in prison for persons who manage brothels that exploit

child prostitutes. In December the Ministry of Justice announced a program in cooperation with the U.N. Drug Control Program (UNDCP) to combat trafficking in persons for sexual exploitation--the National Plan to Combat Sexual Exploitation of Children (see Section 6.f.).

In 2000 the Government instituted the Sentinel Program to combat the sexual exploitation of minors. The program envisioned construction of 200 centers in capital cities and areas where sexual exploitation was prevalent, with multiprofessional staffs to assist victims of sexual abuse and exploitation. When necessary, staff also placed victims in foster homes. As of September, Sentinel included 40 centers throughout the country.

Trafficking in children for the purpose of prostitution was a serious problem (see Section 6.f.).

Child labor was a serious problem (see Section 6.d.).

There were no reliable figures on the number of street children. Some were homeless, but the majority returned to a home at night. In 2000 a study in the city of Sao Paulo found 609 children living permanently on the street; a much greater number of children spent their days on the streets but had families with whom they spent the night.

The city of Rio de Janeiro, in cooperation with NGOs, provided 41 shelters and group homes, but the shelters reportedly were overcrowded and the staff was inadequately trained; two of the shelters closed during the year. Drug use, particularly glue sniffing and crack, was increasingly prevalent among street children. NGOs reported that extreme poverty at home or sexual abuse by fathers and stepfathers were the principal reasons that many children chose to live in the streets. An IGBE study reported that 47 percent of Sao Paulo street children came from families that earned less than \$150 (540 reais) per month.

Police killings of street children continued. In December 2001, U.N. High Commissioner for Human Rights Mary Robinson stated that police violence against street children was a major concern. She specifically expressed concern about the kidnapping of street children for adoption and sexual abuse.

From 1990 to 2000, there were 21 murders of boys between the ages of 9 and 13 in Maranhao State, many of whom bore signs of sexual assault. In 2000 Justica Global and the Macros Passerini Defense Fund filed a complaint with the IACHR accusing the state government and the federal authorities of failing to investigate the crimes; in November 2001 the IACHR gave the Government 2 months to investigate and halt the killings. There were no known developments in the cases by year's end.

Youth were both victims and perpetrators of violence. Of all deaths of 15- to 19-year-olds, 72 percent were due to causes such as homicide, suicide, and traffic accidents; approximately 85 percent of the victims had been sexually exploited. These violent deaths reduced by at least 3 years the average life expectancy of men. Homicide was the leading cause of death for children aged 10 to 14, and only 1.9 percent of their murderers served prison sentences.

The News Agency for Children's Rights closely tracked stories in the media, published studies, and recognized media outlets that effectively covered child welfare issues. UNICEF worked in cooperation with the media organization Rede Globo to coordinate the Child Hope campaign.

#### Persons with Disabilities

The Constitution contains several provisions for persons with disabilities, stipulating a minimum wage, educational opportunities, and access to public buildings and public transportation. However, groups that worked with persons with disabilities reported that state governments failed to meet the legally mandated targets for educational opportunities and work placement. A 1991 law stipulates percentages of vacancies that businesses must reserve for persons with disabilities: 2 percent in firms over 100 employees; 3 percent in firms over 300 employees, and 5 percent in firms over 500 employees. In 2001 in Rio de Janeiro State, the Ministry of Labor began on-site inspections of firms to encourage compliance with the law; similarly, a Federal District information campaign to encourage compliance continued. The Rio de Janeiro State government's employment bank for persons with physical, auditory, or visual disabilities continued to place job applicants. At least two NGOs in Rio de Janeiro State offered job placement services for persons with disabilities, and demand for their services expanded during the year as businesses sought to comply with the employment law.

There was little progress nationwide on eliminating architectural barriers. A December 2001 city of Rio de Janeiro law requires multifamily condominiums to make alterations ensuring access to handicapped residents. In the city of Rio de Janeiro, the disabled had little or no access to buses (the main public transportation), subway, phone

booths, and many other public facilities. In 1999 Rio de Janeiro mandated bus companies to make a specific number of buses on certain routes accessible to wheelchair users within 3 months; however, there were reportedly no buses in the city adapted for wheelchairs. In the city of Rio de Janeiro, bus companies were required to provide free passes to persons with disabilities. The Rio de Janeiro State government also created interagency committees to consult with NGOs on how to provide more access for persons with disabilities to buildings, employment opportunities, and competitive sports. During the year, a state housing program delivered 86 new houses equipped for handicapped residents, implementing a policy that 10 percent of publicly provided homes shall be so equipped. To assist visually impaired persons, some private firms have implemented Braille instructions for shopping and placing orders.

The country made significant advances in expanding the availability of special instruction for children with disabilities. In 1997 only 43 percent of school districts offered special education programs, compared with 59 percent in 1999. The availability of such programs varied greatly by region: In the northeast, only 37 percent of school districts had such programs, while they were available in 81 percent of school districts in the southernmost three states.

There were over 7,300 instances of persons being committed to mental institutions during the year. There were no statistics available on the total number of patients in mental institutions. Some nonviolent patients spent their entire lives in institutions. The Government paid hospitals about \$12 (28 reais) per day for each patient. A 2000 Chamber of Deputies' Human Rights Commission report of conditions of mental hospitals and asylums cited many examples of understaffed and poorly administered hospitals, substandard living conditions for many patients, and severely overcrowded and dirty facilities. A 2001 patients' bill of rights law establishes clear criteria for commitment into mental institutions and gives the Public Minister (an independent watchdog agency) an opportunity to review each case of involuntary or compulsory commitment.

#### Indigenous People

The Constitution grants the indigenous population broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands; however, the Government did not secure these rights for indigenous people in practice. The Government estimated that over half lived in poverty in communities whose traditional ways of life were threatened on a variety of fronts.

A March 2001 study by the Social Economic Institute found that the indigenous population grew by 3.5 percent in 2000, to a total of approximately 350,000 persons, spread among 216 "nations." The report noted many problems faced by indigenous people, including disease and poor health care, loss of native culture, and recurring trespasses and illegal mining and extraction activities on indigenous lands. Road construction and deforestation were also threats.

Indigenous leaders and activists complained that indigenous people had only limited participation in decisions taken by the Government affecting their land, cultures, traditions, and allocation of national resources. They also criticized the Government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders. Illegal mining, logging, and ranching were endemic on indigenous land.

The National Indian Foundation was responsible for the coordination and implementation of indigenous policies. The President appoints the head of FUNAI; it was organized into 52 regions with directors appointed directly by the FUNAI president.

The 1988 Constitution charged the Federal Government with demarcating indigenous areas within 5 years. Reportedly, the Government had completed demarcation of almost all of the total area of recognized indigenous territory. At least 400 of the 600 recognized indigenous areas had reached the final registration stage, 136 remained to be demarcated legally, and 64 had yet to be processed. Identified indigenous territory constituted 12 percent of the national territory.

The Constitution provides indigenous peoples with the exclusive beneficial use of the soil, waters, and minerals on indigenous lands; the Government administers the lands but was obliged to consider the views of the affected communities regarding development or use of the land, and the communities had the right to "participate" in the benefits gained from such use. However, legislation regulating mining on indigenous lands pending before the Congress since 1995 has never been passed.

Many indigenous lands were exploited illegally by nonindigenous persons for mining, logging, and agriculture. Nonindigenous persons destroyed the environment and wildlife, spread disease and provoked violent

confrontations. FUNAI acknowledged that it did not have the resources to protect indigenous lands from encroachment and depended on the federal police--an understaffed and poorly equipped agency--for law enforcement on indigenous lands.

The Ministry of Public Health was responsible for delivery of mandated health care to indigenous people. According to health workers' unions, poor working conditions and lack of resources from the Government made it difficult for health workers to travel into indigenous areas to provide sufficient medical care. Due partly to the Government's failure to provide legally mandated medical care, indigenous people periodically suffered epidemics of malaria, measles, and tuberculosis; however, there were significant advances in indigenous health since 1999. For example, the incidence of registered cases of malaria among the Yanomami fell from 8.3 percent in January 2000 to 0.3 percent in September 2001, while infant mortality dropped significantly, although it was still higher than in the general population.

Human rights groups and the Human Rights Commission of the Chamber of Deputies criticized the alleged sexual abuse of members of indigenous groups by soldiers in army units stationed in Roraima State. The Minister of Defense denied the allegations, stating that any sexual relations that took place were consensual in nature and usually involved soldiers of indigenous origin.

#### National/Racial/Ethnic Minorities

Although the law prohibits racial discrimination, darker-skinned citizens frequently encountered discrimination.

The U.N. Special Rapporteur on Torture noted that the majority of the victims of torture were of Afro-Brazilian descent (see Section 1.c.). Research by the Institute of Applied Economic Research (IPEA) noted a disproportionately high rate of police killings of Afro-Brazilians. Persons of color were five times more likely to be shot or killed in the course of a law enforcement action than were persons perceived to be white. The Sao Paulo police ombudsman claimed that the majority of victims in police killings were young black men from impoverished areas on the periphery of major cities.

The law specifically prohibits, among other practices, denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits, and provides jail terms for the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets. The media reported arrests of several persons charged with using racial slurs during the year.

A federal government quota system that went into effect in June required that at least 20 percent of new hires be Afro-Brazilian, 20 percent women, and 5 percent persons with disabilities. There were exceptions; for example, the Ministry of Foreign Affairs will not automatically hire 20 percent Afro-Brazilians, but instead will offer scholarships to 20 Afro-Brazilians to help them prepare for the diplomatic exam.

In its first 22 months of operation (through October), a hot line created by Rio de Janeiro State received slightly more than 800 accusations of racist offenses, of which 104 were referred to the criminal justice system and 48 were being actively investigated or prosecuted.

A study of 22 states, done at Sao Paulo's Pontifical Catholic University, showed that between 1995 and 2000, the authorities received 1,050 discrimination complaints, of which 651 were investigated and 394 were brought to trial; however, there were no convictions. The study noted that this record reflected the difficulty of proving acts of racism and demonstrated a lack of knowledge of the existing antiracism statutes on the part of lawmakers, public attorneys, judges, and lawyers.

IPEA reported that citizens of African descent--constituting approximately 45 percent of the population--represented 60 percent of the poorest segment of society and received 7 percent of the national income. Studies also showed that rates of police torture, court convictions, child labor, illiteracy, and infant mortality were higher among citizens of African descent than among whites (see Section 1.c.).

Education played a role in perpetuating racial disparities. The difference in average number of years of education between a black person and white person had not changed in 40 years. Approximately 60 percent of Afro-Brazilians in the lowest social class had less than 3 years of education, compared with 37 percent of whites. A 1999 IPEA study found that the illiteracy rate among Afro-Brazilians was 20 percent, compared with 8 percent for whites and the national average of 13 percent. Afro-Brazilians were not admitted to universities in large numbers, in part due to economic pressures and the low quality of public education. Only 5 percent of university students and 2.2 percent of university graduates were Afro-Brazilian.

Some educational institutions and official entities instituted programs to narrow the educational gap between blacks and whites. The Steve Biko Institute in the city of Salvador provided extra classes to help 200 Afro-Brazilian students gain admission to universities in Bahia State; about 180 students were enrolled in the classes paying tuition of approximately \$35 dollars (80 reais) per month. At least three nongovernmental projects helped Afro-Brazilians pass university entrance exams in Rio de Janeiro.

In February the Governor of the Federal District, Joaquim Roriz, was accused of being a racist after comments made during a speech in the city of Brazlandia. Angered by Worker's Party protesters, Roriz asked the audience to boo Marinaldo Nascimento, whom he slurred with a racial epithet.

Concern continued over the appearance of racist material on the Internet. In June the Sao Paulo State legislature and various NGOs requested that the Attorney General investigate who was responsible for disseminating neo-Nazi, racist, and discriminatory content on five Internet sites and submitted a 100-page document, providing examples of language inciting attacks on people of color and Jews in Sao Paulo, Rio de Janeiro, and Belem (Para), as well as a threat to set fire to the City Hall in Caxias do Sul (Rio Grande do Sul). The document cited texts exhorting the "preservation of the pure race" by means of violent attacks. The Attorney General's investigation continued at year's end.

There was no further information regarding investigations into the threats two members of the Sao Paulo State assembly's Human Rights Committee reportedly received in 2000 from a group identifying itself as "raca pura" (pure race).

Afro-Brazilian women were particularly disadvantaged by discrimination. An IPEA researcher found that women of African descent suffered discrimination in the work place: Nationwide, white men had an average monthly salary of about \$269 (726 reais), white women \$212 (573 reais), Afro-Brazilian men \$125 (337 reais), and Afro-Brazilian women \$107 (289 reais). The study also found that white men had an unemployment rate of 7.3 percent, black men 11 percent, white women 12.5 percent, and black women 16.5 percent.

## Section 6. Worker Rights

### a. The Right of Association

The Constitution and the Labor Code provide for union representation of all workers (except members of the military, the uniformed police, and firemen) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the Ministry of Labor and Employment, which accepts the registration if no objections are filed by other unions. Registration may be contested by other unions that represent workers in the same geographical area and professional category. In the case of such an objection, the MLE's Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MLE does not register the union and union organizers may challenge this decision in the labor courts.

The 1988 Constitution stipulates certain restrictions, such as "unicidade" ("one-per-city"), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement, as well as the International Confederation of Free Trade Unions (ICFTU), criticized the retention of unicidade.

In practice a number of competing unions were allowed to exist among the thousands of local unions; however, the MLE and the courts actively enforced the principle of unicidade in decisions regarding the registration of new unions.

Approximately 16 percent of the work force was unionized, but nearly twice this percentage was charged a mandatory union tax and also was covered by collective bargaining agreements (see Section 6.b.). Most informal sector workers, including self-employed workers and those not formally registered with the Labor Ministry, fell outside the official union structure. As a result, they did not enjoy union representation and were usually unable to exercise fully their labor rights. The informal sector grew rapidly over the previous decade and accounted for approximately half of the labor force. In the agricultural sector, 70 percent of workers were unregistered.

The Ministry of Labor estimated that there were approximately 11,000 unions across the country. Local unions legally may affiliate with state federations and national confederations in their professional category. Although the law makes no provision for central labor organizations that include multiple categories of workers, there were four major centrals: The Workers' Unitary Central (CUT), the Forca Sindical (Union Force or FS), the Workers' General

Confederation (CGT), and the Social Democratic Union (SDS). Labor centrals channeled much of the political activity of the labor movement, organized strikes involving multiple categories, and represented workers in governmental and tripartite councils. Centrals did not have legal standing to represent professional categories of workers in collective bargaining.

The Constitution prohibits government interference in labor unions. Unions and their leadership generally were independent of the Government and of the political parties; however, there were some exceptions. A number of labor leaders also held prominent positions in political parties. Labor organizations often formed alliances with political parties and social movements to advocate for specific issues. For example, the CUT joined with the National Conference of Bishops, the Landless Movement, and a variety of NGOs to conduct a national plebiscite on debt repayment in 2000 and to organize the World Social Forum in Porto Alegre in January 2001. The same forces organized a national "plebiscite" on participation in the Free Trade Agreement of the Americas during the year. The major union centrals had close relationships with left-of-center political parties and often coordinated actions with party leaders. The October elections demonstrated the closeness of these ties: FS leader Paulo Pereira da Silva (Paulinho) served as vice presidential candidate for Ciro Gomes, and CUT Metalworkers' president Roberto Marinho ran for Deputy Governor of Sao Paulo alongside Workers Party candidate Jose Genoio.

There were no further developments in the police investigation into the November 2001 murder of Aldamir Carlos dos Santos, the president of Sintergia, the electrical workers' union in Rio de Janeiro.

Intimidation and killings of rural labor union organizers and their agents continued to be a problem. The CPT reported that labor leaders were victimized by a campaign of violence in rural areas, with the perpetrators enjoying relative impunity (see Section 1.a.). Only 85 of the 1,222 killings of rural labor leaders and land reform activists registered by the CPT since 1985 came to trial, and only 8 persons were convicted. The CPT reported that 18 rural labor leaders were murdered through the first 8 months of the year.

In July labor activist Jose Pinheiro Lima and his wife and son were killed near Maraba, Para. The authorities charged a landowner with ordering the deaths but released him from custody.

Para continued to be the state with the most violence directed toward labor leaders. According to leaders of the National Confederation of Agricultural Workers, there was an organized campaign in Para State to kill rural labor leaders. Catholic Church sources reported that eight activists were killed in Para State in 2001, and through August there were six more killings, including those of MST leader Ivo Lindo do Carmo and union official Bartolomeu Moraes de Silva. CPT leaders in Para State claimed that gunmen hired by estate owners committed most of these murders. They noted that those who hire gunmen had become more adept at hiding their participation and increasingly targeted labor leaders with significant experience in organizing and leading land appropriations.

In May a local judge in Rio Maria, Para, ordered that a trial of two men (including the former mayor) charged with the 1985 murder of Joao Canuto, the first president of the local rural workers' union, should proceed; the trial had not started by year's end. Canuto's daughter, Luzia Canuto, received death threats as a result of the case.

Human rights groups and land reform activists criticized a jury verdict in June in Paraiba absolving a landowner of guilt in the 1983 slaying of rural labor leader Margarida Maria Alves. The case was also the subject of an action in the Inter-American Court of Human Rights.

The Constitution prohibits the dismissal of employees who are candidates for or holders of union leadership positions. However, the authorities did not effectively enforce laws that protect union members from discrimination. Those who were dismissed often must resort to a lengthy court process for relief. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances were slow and cumbersome. It was estimated that more than 3 million complaints languished in the labor court system at year's end. Although most complaints were resolved in the first hearing, the appeals process introduced many delays, and some cases remained unresolved for 5 to 10 years. According to the Supreme Labor Court, over 2 million complaints were registered annually in labor courts.

The Government sought to reduce this backlog and increase the efficiency of the courts. A 2000 law permits cases with relatively low monetary claims to be adjudicated in one meeting with a judge within 30 days of the filing; another law promotes the formation of employee/employer conciliation commissions designed to resolve grievances before they reach the labor courts. Approximately 1,400 such commissions operated, and approximately half of the complaints reaching labor courts could be handled with the expedited procedure. Nonetheless, lengthy delays remained frequent.

Unions and centrals freely affiliated with international trade union organizations; the CUT, FS, and CGT were affiliated with the ICFTU.

#### b. The Right to Organize and Bargain Collectively

The Constitution provides for the right of workers to organize and to engage in collective bargaining. Businesses and unions worked to improve collective bargaining by training negotiators, but many local representatives had not received this training and remained unprepared to represent members effectively in negotiations. The labor justice system, which may set wages and working conditions when negotiations break down and either party appeals to labor courts, continued to weaken collective bargaining. Although such appeals occurred less frequently than a decade ago, the possibility of a better result in labor courts still led to a lack of bargaining in good faith by parties in numerous negotiations.

Collective bargaining was widespread in the formal sector. In the first 10 months of the year, 17,741 agreements were registered with the Ministry of Labor, compared with 21,963 agreements in all of 2001. The law obliges unions to negotiate on behalf of all registered workers in the professional category and geographical area they represent, regardless of whether an employee pays voluntary membership dues to the union. Unions typically negotiated with employer associations (also called unions) that represent companies with employees in the same area and occupational category.

A 1995 regulation that ended inflation indexing of wages also allowed for mediation of wage settlements with consent of the parties involved and provided greater latitude for collective bargaining. Free mediation services were provided by the Ministry of Labor and the federal Labor Prosecutor's Office (MPT), and unions and employers also may choose a private mediator from a registry kept by the Labor Ministry. According to the MLE, in the first 10 months of the year, more than 8,000 collective bargaining agreements used mediation services, compared with over 10,000 in all of 2001.

The Constitution provides workers with the right to strike, except for the military, police, and firemen. The law stipulates that a strike may be ruled "abusive" by labor courts and be punishable by law if a number of conditions are not met, such as maintaining essential services during a strike and notifying employers at least 48 hours before the beginning of a walkout. Failure to end a strike after a labor court decision is punishable by law. The Government generally did not interfere with the right to strike, provided that all laws were obeyed. Employers are prohibited from hiring substitute workers during a legal strike and from firing workers for strike-related activity provided that the strike is not ruled abusive. However, in practice, employers did fire strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge was often a protracted process.

The number of strikes diminished in the past several years. During the year, teachers, health workers, port officials, transport workers, stevedores, health-care providers, and metalworkers all engaged in strikes.

The Congress has not passed enabling legislation for labor code provisions permitting strikes in the public sector; however, in practice the Government seldom interfered with the right of government workers to strike. Numerous public sector unions at the federal, state, and local levels held strikes during the year to demand salary increases. According to the Interunion Department of Socioeconomic Studies and Statistics (DIEESE), the Federal Government had not given a general salary increase to federal employees in 7 years, resulting in a significant erosion of real earnings. Public sector unions who struck during the year included social security workers, professors, judicial workers, and customs agents.

In 2001 civil and uniformed police walked out in many states to demand salary increases and safer working conditions. While civil police are allowed to form unions and conduct strikes, uniformed police are prohibited from organizing.

Labor law applies equally in the country's four free trade zones.

#### c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, forced labor and trafficking of workers were reported in the majority of states (see Section 6.f.). The practice occurred most commonly in the rural north and central west of the country, in activities such as forest clearing, logging, charcoal production, raising of livestock, and agriculture. Forced labor typically involved young men drawn from the impoverished northeast, but women and children also were engaged in activities such as charcoal production. Children involved in forced labor typically worked alongside their parents. Although indigenous people constituted a small percentage of the overall

population, they were especially vulnerable to forced labor schemes when separated from their communities (see Section 5). Labor inspectors also found immigrants working in conditions of forced labor in Sao Paulo. According to government officials, Bolivian, Korean, and Chinese laborers were exploited in urban sweatshops under conditions that may involve fraud or coercion.

The CPT estimated that approximately 15,000 workers were trapped in forced labor schemes throughout the country, although it acknowledged that the hidden nature of the practice made estimates inexact. Labor intermediaries ("gatos") trafficked most forced laborers to the remote estates where they worked (see Section 6.f.). At the worksite, laborers were forced to work in brutal conditions until they repaid inflated debts related to the costs of travel, tools, clothing, or food. Armed guards sometimes were used to retain laborers, but the remoteness of the location, confiscation of documents, and threats of legal action or physical harm usually were sufficient to prevent laborers from fleeing. The CPT reported that fleeing workers were killed or beaten to set an example to others at the worksite. Dire poverty, low levels of education, and workers' lack of awareness about their rights contributed to their vulnerability to forced labor schemes. The MLE reported that nearly 80 percent of forced laborers had no official documentation and that most were illiterate.

The Penal Code provides that violators of forced or compulsory labor laws may be sentenced up to 8 years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting, transporting, or obliging workers to incur debt as part of a forced labor scheme (see Section 6.f.). However, the ILO expressed concern that the effective abolition of forced labor was hindered by failure to impose effective penalties, the impunity of those responsible, delays in judicial procedure, and the absence of coordination between the various government bodies. The law allows the Government to expropriate lands on which forced labor has been found and to distribute the property in the Government's land reform program; however, these provisions rarely were applied, in part because the Government must compensate landowners for seized lands, sometimes at values that were criticized for being overly generous. Enabling legislation for the constitutional provision allowing confiscation of land on which forced labor is discovered remained under consideration.

Violators of forced labor laws enjoyed virtual impunity. There were only 26 arrests and 3 convictions in the nearly 5,000 instances of forced labor uncovered by inspection teams since 1995. Those convicted were freed on appeal or sentenced to do community service. Factors contributing to this record included: Disputes over legal jurisdiction; a lack of a clear definition of forced labor in the Penal Code; local political pressure; weak coordination among the police, the judiciary, and prosecutors; the remoteness of areas in which forced labor is practiced; witnesses' fear of retaliation; and police failure to conduct criminal investigations when accompanying labor inspectors on raids. The ILO, ICFTU, Anti-Slavery International, and the Pastoral Land Commission found that the current system did not effectively penalize those who exact forced labor. A complaint has been lodged with the OAS against the Government for negligence in investigating forced labor in the Brazil Verde estate. A number of ranchowners and employers, although cited repeatedly for using forced labor schemes, received only token sentences.

However, there were exceptions to the impunity: In November a labor court judge in Para fined a plantation owner approximately \$18,000 (60,000 reais) for using forced labor. It was the first time that a farmer had been fined on the basis of the damage he caused to the workers. The president of the Supreme Labor Court, Francisco Fausto, praised the decision of the Regional Labor Court, noting that forced labor would be ended only by the application of such sanctions.

The Executive Group to Combat Forced Labor (GERTRAF) coordinated the Government's efforts to eliminate forced labor since 1995. GERTRAF is chaired by the Ministry of Labor and Employment, and it includes representatives from seven ministries, unions, employers, and NGOs. In December 2001, the President appointed a special advisor on forced labor issues, and the Secretariat for Human Rights of the Justice Ministry created a parallel commission to develop recommendations to improve the enforcement of laws on forced labor and child labor. During the year, the MPT and the Brazilian Bar Association established forced labor commissions. Prosecution of forced labor cases is the responsibility of the Federal Prosecutor's Office, but the MPT also may become involved in investigating such cases (see Section 6.f.).

GERTRAF's enforcement arm--the Special Group for Mobile Inspection--had responsibility for locating and liberating workers trapped in forced labor. The mobile unit worked in conjunction with federal police officers, who accompanied labor inspectors on raids to provide protection. When mobile teams found workers in conditions of forced labor, they levied fines on estate owners and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. In October labor inspectors in the mobile unit received death threats while conducting raids in Para State.

Through August the mobile group had located approximately 1,600 forced laborers, exceeding the number of liberated workers for any previous full year of operation. Forced laborers were found during the year in activities



including deforestation, logging, mining, raising livestock, and harvesting sugarcane, coffee, cotton, papayas, pepper, and soybeans. In March the mobile unit found 53 workers toiling in conditions of forced labor on a ranch owned by a leading member of the federal Chamber of Deputies. Although the Labor Minister issued a statement exonerating the politician, subsequent testimony revealed the use of debt servitude on the ranch. The MPT forwarded the case to the Attorney General and also filed a civil suit against the politician for damages equaling about \$5,800 (20,000 reais) per worker. In another major raid in October, the mobile unit liberated 180 workers, including 30 children, working on a black pepper ranch in Para State.

Despite its efforts, the mobile unit had only a limited impact on the incidence of forced labor. The CPT, whose network of local churches was responsible for the vast majority of forced labor complaints reaching the mobile unit, reported that forced labor may actually be growing. The CPT noted that the number of raids by the mobile unit remained relatively constant in the past 3 years, while the number of liberated workers had grown significantly, revealing an increase in the number of forced laborers per ranch. In Para State, where most forced labor was found, the CPT received complaints of approximately 3,200 cases of forced labor on 80 ranches through September, nearly three times the total for all of 2001. The mobile unit reportedly was unable to keep up with the increase in forced labor complaints due to insufficient resources and the cost and time required to mount an operation. The mobile unit encountered resistance from local authorities, including from the local bureaus of the Labor Ministry, in a number of states.

Poverty and a lack of viable alternatives led many workers repeatedly to fall prey to trafficking and forced labor schemes. In October the Government moved to end this cycle by instituting a measure that allows workers freed from forced labor schemes to receive three installments of unemployment insurance equal to the minimum wage--approximately \$57 (200 reais) per month--and to be eligible for job training. To educate rural workers about the dangers of forced labor, the CPT ran an informational campaign in which it distributed pamphlets to rural workers in areas targeted by traffickers (see Section 6.f). In some states, local unions registered and tracked workers who left the municipality to work on remote ranches. The National Confederation of Agricultural Workers' radio programs also educated rural workers about forced labor.

In March the ILO officially established a program to support governmental efforts to fight forced labor through improved interagency cooperation, strengthened enforcement, heightened public awareness, training for relevant government agencies, and the provision of additional resources to the Government. The ILO program had already contributed to increased discussion of forced labor through a number of seminars and workshops.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law restricts work that may be performed by children; however, child labor was a widespread problem despite government efforts to combat it. The minimum working age is 16 years of age, and apprenticeships may begin at 14. The law bars all minors under age 18 from work that constitutes a physical strain or from employment in nocturnal, unhealthy, dangerous, or morally harmful conditions. However, the authorities rarely enforced additional legal restrictions intended to protect working minors under age 18.

The law requires permission of the parents for minors to work as apprentices, and apprentices must attend school through the primary grades. Because the legal working age is 16, the Government sought to increase the number of apprenticeships to provide more opportunities to 14- and 15-year-olds. A 2000 law expands apprenticeship programs by allowing a wider range of enterprises to participate.

According to government figures, the number of working children age 14 and under decreased from 2.97 million in 1999 to 2.23 million in 2001. The largest decline was in the 10- to 14-year-old age group. The percentage of children who worked in the 5 to 14 age group dropped from 9 percent in 1999 to 6.8 percent 2 years later. Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. The highest incidence of child labor was found in the northeast, where half of all child workers were employed. Slightly over half of child laborers worked in rural areas, and two-thirds were boys.

The Labor Ministry reported that children worked in approximately 100 rural and urban activities. Common rural activities included fishing, mining, raising livestock, producing charcoal, and harvesting sugarcane, sisal, tobacco, cotton, citrus fruits, and a variety of other crops. In urban areas, children worked in shoe shining, transportation, construction, restaurants, street peddling, begging, drug trafficking and prostitution (see Section 5). The ILO estimated that approximately 500,000 children and adolescents worked as domestic servants and that 20 percent of 10- to 14-year-old girls worked as domestics. Most of these workers received less than half the minimum wage and worked in excess of 40 hours a week.

The hidden and informal nature of child labor made children especially vulnerable to workplace accidents. For instance, children who produced charcoal, sisal, sugarcane, and footwear suffered from dismemberment, gastrointestinal disease, lacerations, blindness, and burns caused by applying pesticides with inadequate protection.

The Ministry of Labor and Employment was responsible for inspecting worksites to enforce child labor laws. These efforts were guided regionally by Special Groups for the Eradication of Child Labor, which gathered data and developed plans for child labor inspection. Still, most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Through the first 8 months of the year, approximately 3,250 inspectors conducted over 19,500 inspections that reached workers under 18 years of age. Labor inspectors continued to prioritize inspections in the informal sector to reduce the number of unregistered workers, but they remained unable to enter private homes and farms, where much of the nation's child labor was found. In most cases, inspectors attempted to reach agreements and to have employers desist from labor law violations before levying fines of \$115 (400 reais) per violation. As a result, few employers were actually fined for employing children.

Labor Ministry inspectors often worked closely with labor prosecutors from the MPT, who had broader powers and were able to impose larger fines. The MPT--an independent government agency responsible for prosecuting labor infractions--had a national commission to fight child labor. The commission included 50 prosecutors and focused on strategic areas including sexual exploitation, trash-picking, apprenticeships, and work in a family setting. The commission allowed the Ministry of Labor to be more responsive to complaints regarding child labor and to encourage public commitments from officials to address child labor.

The Ministry of Social Security and Assistance coordinated the Government's Program for the Eradication of Child Labor (PETI), which provided cash stipends to low-income families who kept their children in school and out of work. This program was the Government's primary effort to end the worst forms of child labor. Because the public school day lasts only 4 hours, PETI emphasized complementary educational activities for children during nonschool hours as an alternative to working. PETI assisted approximately 800,000 children in all 26 states and the federal capital during the year, focussing on removing children from work activities considered to be among the most hazardous by the Government. Although the program concentrated on rural areas, it had also grown rapidly in urban areas.

To prevent child labor and promote education, the Federal Government also continued to expand its Bolsa Escola (School Stipend) program. The program provided mothers of low-income families with stipends of \$4 (15 reais) per child between the ages of 6 and 15, up to a total of 3 children per family. To receive the stipend, the child's monthly school attendance rate must be 85 percent. The Ministry of Education coordinated the Bolsa program, but responsibility for day-to-day management fell largely on municipal governments. At year's end, the program provided stipends to the mothers of approximately 9 million children in over 5,000 municipalities. In addition to the federal program, an estimated 100 municipal governments operated stipend programs, including Belem, Campinas, Belo Horizonte, Manaus, Olinda, and Recife.

In order fully to comply with ILO conventions on the minimum age for work and on the eradication of the worst forms of child labor, in September the Minister of Labor created the National Commission to Eradicate Child Labor, which was developing a comprehensive national child labor plan to strengthen child labor eradication efforts.

Civil society supported the Government's child labor elimination programs. For example, the National Forum for the Prevention and Eradication of Child Labor--with chapters in every state and over 40 institutional members from government and the private sector--promoted debate and broad analysis of national child labor prevention efforts. The Centers for the Defense of Children and Adolescents also were active in many parts of the country and reported violations of children's rights and implemented eradication programs (see Section 5).

The private sector and unions also played a major role in fighting child labor. The Toy Industry's ABRINQ Foundation for Children's Rights operated a labeling program that identified companies with child-friendly policies and a commitment to eliminate child labor. The Foundation also fostered prochild initiatives through its awards programs for organizations, journalists, and mayors. The Pro-Child Institute in Sao Paulo State coordinated a labeling program in the footwear industry. The Institute helped to reduce instances of child labor in footwear production in the state. All major labor centrals implemented programs to educate union members about the hazards of child labor and encouraged members to report instances of child labor to authorities.

The ILO's Program on the Elimination of Child Labor focused on capacity building, awareness raising, research promotion, and the incorporation of income generating schemes and monitoring systems in child labor prevention

programs. The ILO also coordinated a program to reduce sexual exploitation of children and child labor in domestic service (see Section 5). UNICEF supported over 200 programs to improve the lives of children and since 1999 has helped to remove over 13,000 children from work in garbage dumps and place them in schools, in part by providing scholarships to families and helping adults in those families find other forms of income generation.

#### e. Acceptable Conditions of Work

The Government adjusts the minimum wage annually; in April it was raised from \$51 to \$57 (from 180 to 200 reais), which was not sufficient to provide a decent standard of living for a worker and family. A 2000 study by the DIEESE concluded that the minimum wage was about one-fifth of the salary necessary to support a family of four in the Sao Paulo metropolitan area. The IBGE estimated that approximately one in three workers earned the minimum wage or less.

The Constitution limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also includes a prohibition on excessive overtime and stipulates that hours worked above the weekly limit must be compensated at a rate equal to time and a half; these provisions generally were enforced in the formal sector. The law allows employers to compensate workers with time off rather than with overtime pay, provided that the local union agrees to the arrangement.

Unsafe working conditions were prevalent throughout the country. While workplace accidents dropped by 6 percent in 2001, there were still nearly 340,000 such accidents. The number of workplace deaths due to accidents dropped by more than one-third, to slightly over 2,500. The Ministry of Labor sets occupational, health, and safety standards, which are consistent with internationally recognized norms. However, the Ministry devoted insufficient resources for adequate inspection and enforcement of these standards. Employees or their unions may file claims related to worker safety with regional labor courts, although in practice this was frequently a protracted process. According to the Ministry of Labor, the most dangerous industries in the country were logging, mining (including oil drilling), construction, and oil refining.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings did occur, and legal recourse usually requires years before resolution. The MPT reported during the year that numerous firms used computerized records to compile "black lists" identifying workers who had filed claims in labor courts. Individual workers did not have the legal right to remove themselves from the workplace when faced with hazardous working conditions; however, workers could express such concerns to an internal committee for an immediate investigation.

#### f. Trafficking in Persons

The law prohibits the transport of persons for illicit reasons within and outside the country; however, trafficking in persons primarily from and within the country was a problem. Internal trafficking of rural workers into forced labor schemes was a serious problem, while trafficking from rural to urban areas occurred to lesser extent (see Section 6.c.). Although comprehensive government statistics on the problem were unavailable, authorities estimated that thousands of women and adolescents were trafficked, both domestically and internationally, for commercial sexual exploitation. Labor inspectors also found a small number of persons from other countries trafficked to work in urban sweatshops.

The NGO CECRIA's June report on trafficking in persons for commercial sexual exploitation--drawing on police, media, and other sources--identified over 130 sex trafficking routes, including 109 domestic routes (see Section 5). Domestic routes included: From Goias State to Sao Paulo and Rio de Janeiro; from rural areas in the north and northeast to coastal cities for sexual tourism; and from small towns in the north to outposts in the Amazon region where itinerant workers often transit. CECRIA's report also identified trafficking routes of children for sexual exploitation from the southern region of the country into Argentina and Paraguay. The survey also called attention to sex trafficking to areas with major development projects. Internationally, Spain was the destination of most identified routes (32), followed by the Netherlands (11), Venezuela (10), Italy (9), Portugal (8), and Paraguay (7). The report indicated that many sex trafficking routes were closely related to arms and drug trafficking routes.

CECRIA found that the typical sex trafficking victims were darker-skinned women between 15 and 27 years of age, but researchers also noted the presence of adolescent boys as victims, some of whom worked as transvestites. Persons who fell prey to trafficking schemes typically came from low-income families and usually had not finished high school. Traffickers often lured victims with promises of lucrative work as dancers or models in Europe; beauty contest winners were cited as common targets. Girls were recruited at clubs and modeling agencies, or through the

Internet, want ads, mail-order bride schemes, and maid and au pair services. Most women who were trafficked internationally were older than 18, but younger victims were also trafficked with falsified documents.

Police officials believed that most women who were recruited by trafficking organizations understood that they were to work as prostitutes, but they did not know about working conditions and their prospective earnings. In other cases, women were told that they would work as nannies or domestic workers. Upon arrival, the victims' passports were often confiscated and they were forced to prostitute themselves and live in virtual confinement. In addition to threatening physical violence, traffickers often used debt and isolation to control the victims.

In addition to sex trafficking, the other major type of trafficking was the internal trafficking of workers into forced labor schemes. This typically occurred when employers recruited laborers from poor, rural towns and transported them to remote areas where escape was difficult. Workers were then obliged to toil in brutal conditions until they were able to repay inflated debts (see Section 6.c.). Union leaders claimed that nearly all of the 15,000 people estimated to be working as forced laborers had been trafficked by labor recruiters. The ILO cooperated with the Government, unions, and the CPT to construct a data base for use in recording and combating trafficking.

The Penal Code establishes a prison sentence of 3 to 8 years for transporting women in or out of the country for the purposes of prostitution, but it does not directly address the substantial internal trafficking of women. The Statute on Children and Adolescents provides some regulations on the matter by requiring the permission or presence of both parents for children to leave the country; it also prohibits children from leaving the country with a foreigner unless previous approval is given by the authorities. Still, local activists claimed that laws on trafficking for exploitation were open to interpretation and difficult to enforce, especially in relation to domestic trafficking. They called for comprehensive legislation to aid in prosecution of traffickers.

Laws regarding trafficking for forced labor present similar shortcomings, and activists advocated legislation to define more clearly modern forms of slave labor, such as the use of fraud and debt servitude. A 1998 Penal Code Amendment provides that traffickers may receive a fine and prison sentences of 1 to 3 years, which may be increased if the victim is under 18, a senior citizen, pregnant, a person with disabilities, or a member of an indigenous group. Nevertheless, disputes regarding legal jurisdiction contributed to the Government's failure to prosecute labor traffickers effectively.

Laws on forced labor and domestic trafficking were not enforced effectively. Although labor inspectors had identified 5,000 instances of forced labor since 1995--nearly all of which involved traffickers--only 3 people had been convicted for related crimes (see Section 6.c.). Factors impeding such arrests included: The mobility of labor contractors, lack of training for police officers, and the potential witnesses' fear of reprisal and inability to remain in the area to testify. In most cases, police officers accompanying mobile inspection teams did not conduct investigations, thus hampering prosecutors' efforts to build strong cases. Federal prosecutors and NGOs also reported that corruption among state police often impeded the apprehension of traffickers. However, in November federal police in Tocantins State arrested 5 men for trafficking 190 rural workers to ranches in Para State.

The Federal Highway Police were responsible for checking documents and monitoring movement along highways and roads. In a limited number of cases, they were involved in apprehending suspected traffickers. Federal and state police monitored the Internet to detect on-line recruitment by sex traffickers, and at least one prosecution for such an offense occurred due to a complaint from an NGO (see Section 2.a.).

Police officers reported difficulty in capturing and incarcerating traffickers because of the need to apprehend them in the act of traveling with the victims. In addition, most women who left the country with traffickers did so willingly. Fear of reprisals also kept victims from seeking police intervention or from testifying against traffickers. As a result, few trials involving traffickers resulted in convictions. CECRIA reported that only 10 of the 36 trafficking cases dealt with by federal courts in Rio de Janeiro and Sao Paulo in recent years went to trial, with only 2 convictions.

In June 2001, federal police in Rio de Janeiro uncovered a trafficking scheme responsible for taking men and women to Japan to work as prostitutes. During the investigation, the police found evidence implicating Japanese organized crime in trafficking other men and women to Japan from Rio de Janeiro and Sao Paulo. Interpol cooperated with investigations in the case, but there were no major developments by year's end.

The Government coordinated several antitrafficking programs, including public information campaigns, a Ministry of Justice initiative against sexual exploitation, and the inclusion of trafficking as a priority area in the National Plan to Combat Sexual Exploitation of Children (see Section 5). A Ministry of Justice antitrafficking program undertaken in December 2001 in collaboration with UNDCP focused on constructing networks and opening six reference centers to receive trafficking complaints and provide assistance to victims. This program and other government efforts to

combat trafficking in persons suffered from a lack of interagency cooperation and a severe shortage of funding (see Section 5).

Rio de Janeiro State had centers to provide assistance to female victims of violence, and NGOs helped women who were victims of abuse (see Section 5). In October the Government announced an agreement with a foreign donor to strengthen the country's network to combat the sexual exploitation of children.

NGOs played a vital role in efforts to halt trafficking. The Humanitarian Center to Support Women in Salvador, Bahia, sponsored research and coordinated a campaign to educate girls and women about the risks of being trafficked abroad. The Brazilian Multiprofessional Association for the Protection of Children and Adolescents managed a number of programs in Rio de Janeiro aimed at protecting youth from trafficking and domestic and sexual abuse and operated a national hot line on sexual exploitation.